



2008 JUL 16 PM 4:16

IFW PAC
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/068,087
Applicant : Feniosky Pena-Mora et al.
Filed : February 6, 2002
T.C./A.U. : 2123
Examiner : Thomas H. Stevens

Confirmation No.:

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OFFICE OF PETITIONS

Docket No. : MIT-086BUS
Customer No. : 022494

LETTER UNDER 37 C.F.R. §1.28(c)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified patent application was filed on February 6, 2002. Status as a small entity was established in good faith. It was later discovered that such status as a small entity was established in error. In accordance with the provisions of 37 C.F.R. §1.28(c), Applicants respectfully request that the error be excused. A calculation of the deficiency owed and an itemization of the total deficiency payment in accordance with 37 C.F.R. §§1.28(c)(2)(i) and (ii) is provided in the attached Deficiency Fees Owed chart:

The total deficiency owed is \$890, for which a check is attached. The Assistant Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

07/17/2008 DALLEN 00000003 10068087

01 FC:1461

890.00 OP

Please do not hesitate to contact the below signing attorney if there are any questions regarding this submission or this application.

Dated: July 11, 2008

Respectfully submitted,

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: Kermit Robinson

Kermit Robinson

Reg. No. 48,734

Attorney for Applicant(s)

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DEFICIENCY FEES OWED

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Action Taken	Date Action Taken	Paid Small Entity Fee *	Current Large Entity Fee *	Difference Due
Utility patent application	February 6, 2002	\$370	\$1,030	\$660
Response to Office Action dated July 3, 2006	October 2, 2006	No Fee Involved	No Fee Involved	No Fee Involved
Response to Office Action dated November 29, 2007 with 2 mo. Exten. of Time	April 29, 2008	\$230	\$460	\$230
TOTAL DIFFERENCE DUE				\$890

* Fees indicated were the current fees at the "Date Action Taken."



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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **890**

Complete if Known

Application Number **10/068,087**
Filing Date **February 6, 2002**
First Named Inventor **Feniosky Pena-Mora**
Examiner Name **Thomas H. Stevens**
Art Unit **2121**
Attorney Docket No. **MIT-086BUS**

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METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☐ Deposit Account Deposit Account Number: **50-0845** Deposit Account Name: **Daly, Crowley, Mofford & Durkee, LLP**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = 0 x = 0 **Fee Paid (\$)** 0
HP = highest number of total claims paid for, if greater than 20
Indep. Claims - 3 or HP = 0 x = 0 **Fee Paid (\$)** 0
HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = 0 **Extra Sheets** 0 / 50 = 0 **Number of each additional 50 or fraction thereof** 0 **Fee (\$)** 0 **Fee Paid (\$)** 0

4. OTHER FEE(S)

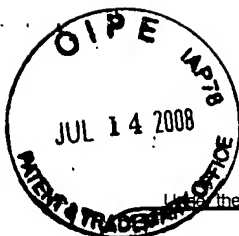
Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)** 0
Other: Deficiency Fee **890**

SUBMITTED BY

Signature Kermit Robinson Registration No. **48,734** Telephone **781.401.9988, x124**
Name (Print/Type) **Kermit Robinson** (Attorney/Agent) Date 07/11/2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/068,087	
	Filing Date	February 6, 2002	
	First Named Inventor	Fenioisky Pena-Mora	
	Art Unit	2121	
	Examiner Name	Thomas H. Stevens	
Total Number of Pages in This Submission	5	Attorney Docket Number	MIT-086BUS

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Postcard; and
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Letter Under 37 C.F.R. 1.28(c)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks In the event a petition for extension of time is required by this paper and not otherwise provided, such petition is hereby made and authorization is provided herewith to charge deposit account No. 50-0845 for the cost of such extension.	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Daly, Crowley, Mofford & Durkee, LLP		USPTO Customer No. 022494
Signature			
Printed name	Kermit Robinson		
Date	July 11, 2008	Reg. No.	48,734

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Kermit Robinson	Date	July 11, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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